

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the matter of:)	
)	
Creation of a Low Power Radio Service)	MM Docket-99-25
)	
Amendment of Service and Eligibility Rules)	MB Docket 07-172
for FM Broadcast Translator Stations)	RM-11338
)	

PARTIAL OPPOSITION TO PETITIONS FOR RECONSIDERATION

1. REC Networks (“REC”), an unincorporated entity through its founder Michelle (Michi) Eyre is a long-time proponent for the Low Power FM (LPFM) radio service from the original petitions for the service through today and into the future. REC is best known for our free self-service broadcast tools including the Low Power FM Search Tool as well as providing education regarding the Low Power FM Radio Service as well as other broadcast services¹. REC believes in a citizen’s access to the airwaves.

2. REC responds to several *Petitions for Reconsideration* filed² as a result of the decisions made in the *Fourth Report and Order*³ specifically related to the national cap of 50-

¹ - <http://www.recnet.com/lpfm> - <http://lpfm.ws> – <http://lpfm2012.com>

² - *Petitions for Consideration* filed by Kyle Magrill (“Magrill”), Educational Media Foundation (“EMF”), Conner Media (“Conner”), Western North Carolina Public Radio, Inc. (“Western”) and a joint *Petition for Reconsideration* filed by Hope Christian Church of Marlton, Inc. (“Hope”), Bridgelight, LLC (“Bridgelight”) and Calvary Chapel of Finger Lakes, Inc. (“CCFL”) (collectively “Hope Petitioners”). REC is not affiliated with any of these organizations and our evaluation of these petitions is in support of REC’s goals for a citizen’s access to the airwaves and to promote the diversity of services in rural areas.

³ - *Creation of a Low Power Radio Service, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Fourth Report and Order. 77 FR 21002.

pending applications (“50-cap”) and the “one-to-a-market” process decision in the March 2003 FM Translator Auction 83 filing window. In this filing, REC opposes in part and supports in part these *Petitions for Reconsideration*.

A. The 50-cap is necessary to address excessive applications.

3. In an effort to address the issue of excess filing, alleged speculation and evidence of trafficking FM Translator construction permits⁴ for substantial consideration, the Commission imposed a national cap of 10 pending FM translator applications (“10-cap”). This cap was opposed by FM Translator interests for several reasons. After the imposition of the 10-cap, Educational Media Foundation and Prometheus Radio Project worked out a memorandum of agreement⁵ that would support a stay to implement the 10-cap.

4. But even without the 10-cap, we still need to address the problem of abusive and excessive filing of FM translator applications. The largest filers are two commonly owned organizations representing 1,534 of the over 6,000 applications that remain pending. In all, only 6 organizations and individuals have 100 or more pending applications⁶ and another 12

⁴ - Addressing the legality or ethics of the filing decisions made by those who filed more than 50 of the remaining pending applications in this filing window is out of the scope for this filing and we will not address that at this time. The issue at hand is the 50-cap and “one-to-a-market” application processing.

⁵ - See *Memorandum of Agreement Regarding LPFM/FM Translator Priorities*. Educational Media Foundation and Prometheus Radio Project. July 8, 2010.

⁶ - Calvary Chapel of Twin Falls (158), Covenant Network (126), Edgewater Broadcasting (630), Educational Media Foundation (494), Radio Assist Ministry (904) and Robert J. Connelly, Jr. (123). A total of 2,435 pending applications.

organizations and individuals who have more than 50 but fewer than 100 applications⁷. These two groups of applicants represent 3,145 or just over half of all remaining pending Auction 83 applications, an average of 175 pending applications per organization.

5. *REC does not feel that the Commission's choice to use 50 was just an arbitrary number.* Putting the cap at 50 definitely comes as close as possible to an even split in the pending application count. If all other aspects of every pending application made it grantable, then even with the 50-cap, we would see a maximum of 4,045 pending applications since each of these 18 organizations can keep up to 50. In addition, some applicants who are just over 50 may have some of their applications dismissed due to being short spaced to protected LPFM channel/points thus bringing them to under 50 and not subject to caps on remaining applications.

6. Based on this information, we feel that the 50-cap is the best deterrent to address the concerns raised in the past by the Commission, REC and the others. We ask that the Commission maintain the 50-cap for pending Auction 83 FM Translator applications.

B. “One-to-a-Market” is over-reaching in some cases.

7. In our comments in the *Third Notice of Proposed Rulemaking*, REC specifically addressed some of the issues that some petitioners are expressing, but in a different context.

⁷ - Aleluya Christian Broadcasting (73), Brigham Young University (70), Burlington Community College (59), Capstar TX Limited Partnership (Clear Channel) (52), Community Broadcasting, Inc. (56), CSN International (71), Donald F. Hendren (55), Educational Communications of Colorado Springs (78), Edward A. Schober (69), Gold Coast Broadcasting (70), Radio Training Network (57) and WAY-FM Media Group (82). A total of 710 pending applications.

Hope and Magrill both stated that Arbitron Metro markets can actually have a wide area that include multiple population centers and can include locations a very long distance from the city center of the Metro market⁸. Likewise, REC expressed similar concerns when we asked the Commission to evaluate the spectrum availability within each element of a “hyphenated” market such as Salisbury-Ocean City, MD⁹ or Flagstaff-Prescott, AZ. In both of these cases, they contain at least two major population centers with no common nexus. We feel that some of the petitioners have expressed a similar concern but just in a different context.

C. A limited waiver to the “One-to-a-Market” process can fulfill the needs of providing rural translator service while addressing excessive filing.

8. We have evaluated the pending applications by the Hope Petitioners and have found that some of their pending applications are extensively distant from the city center of the Metro market and are only lumped into a Metro market just by virtue of county lines. For example, Calvary Chapel of the Finger Lakes (“CCFL”) has two pending applications in the Rochester, NY Metro market. While Rochester is located in Monroe County, both of CCFL’s applications are in Genesee County. The closest of the two applications¹⁰ is about 35 miles from Rochester.

⁸ - See Magill petition at 2.

⁹ - *Reply Comments of REC Networks* at 7. (2011)

¹⁰ - Facility ID 150817 in Oakfield, NY which also overlaps entirely with Facility ID 151682 in Warsaw, NY. Under the proposal by the Hope Petitioners and by REC, one of these two applications would have to be dismissed.

9. The Hope Petitioners are asking that the Commission grant waivers to the one-to-a-market in these far reaching cases where the 60 dBu contour does not overlap with another application by the same organization, that the translator clears all LPFM protected channel/points and for a period of 4-years, the translator cannot be transferred for a profit¹¹. REC agrees that these conditions, as a part of a more robust waiver criterion will allow those who filed, not necessarily for speculation but to reach rural audiences in areas that just happened to be considered Arbitron counties to be able to build out their services.

D. REC's proposed limited waiver criteria.

10. REC supports the three conditions proposed by Hope¹² as a part of an overall limited waiver criteria:

a. The 60dBu contour of the translator station would not overlap the 60 dBu contour of any commonly controlled application. This is the first of the Hope Petition's conditions. We feel that this is a very reasonable request that will still permit a reasonable rural build out without warehousing channels in a certain area or picking every possible channel like a couple applicants did in hopes that one will be grantable.

b. The application will not preclude the approval of a future LPFM application in the grid or at the proposed facility's transmitter site. The first aspect of this proposal is similar to the existing policy that requires pending Auction 83 applications to protect identified LPFM channel/points. The second provision will assure specifically that the translator at this site will not preclude the availability of an LPFM station at the same site. We feel that

¹¹ - Hope Petition at 8.

¹² - id.

this is a higher standard than existing policy¹³ as it would not limit this policy for waiver translators to only the top-50 markets but would extend it to all spectrum limited markets.

c. The applicant agrees to accept a condition on its construction permit that disallows the sale of the authorization for a profit for four (4) years after the facility commences on-air operations. This proposal will prevent the immediate sale of the waived authorization and partially demonstrates that the applicant plans to keep the authorization for their own use.

11. In addition to the three points made in the Hope Petition, REC feels that the following additional conditions must be placed on translator application seeking waiver to the “one-to-a-market” process:

d. The applicant agrees to accept a condition on its construction permit that for a four (4) year period after the facility commences on-air operations, the primary station the translator is broadcasting must be commonly-owned by the licensee of the FM Translator and is limited to the primary analog output of such primary station. REC feels that this condition is required to address practices by organizations such as EMF¹⁴ and others who have taken non-commercial educational translators and leasing them out to commercial entities such as Clear Channel and CBS. Translators operated by EMF and other NCE licensees in this manner have caused substantial issues with the viability of existing LPFM stations in Texas and Maryland and

¹³ - See *Fourth Further Report and Order* at 48.

¹⁴ - See Appendix A.

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EMF-owned translators rebroadcasting “HD-2” programming from CBS and others are preventing any hope for new LPFM stations in Detroit.

e. The 60 dBu contour of the translator application must not overlap: (1) a 30 km radius around the center of markets 1 through 20, (2) a 20 km radius around the center of spectrum limited markets 21 through 50, and (3) a 10 km radius around the center of spectrum limited markets 51 through 100. We feel that this point is a reasonable compromise that not only further protects LPFM stations within the Metro areas but will also limit these one-to-a-market waivers to the areas outside the major population center where the one-to-a-market rule was originally intended to apply to.

f. Applications grantable under this waiver must also comply with the national cap of 50 pending applications. Granting a waiver to “one-to-a-market” will not result in any kind of waiver to the overall “50-cap”. All applications, including those on a waiver would be subject to the national 50-application limit.

13. Appendix B shows the applications and their status if the recommendations of Hope and REC are applied. Applying this proposed policy, Hope would be granted 13 applications instead of 10 applications, Bridgelight would be granted 5 instead of 2, CCFL would be granted 13 instead of 11, Conner would get 9 instead of 5 and Western would get 18 instead of 16 applications¹⁵

¹⁵ - Many of Western’s applications were concentrated at only a few sites but with multiple channels. If Western only takes one per site, they will have 6 applications.

E. Granting limited “one-to-a-market” waivers will not undermine the availability of LPFM.

14. Over the past few months as REC has been evaluating the availability of future LPFM opportunities, not just in the major markets but also in rural areas, we have not taken into consideration removing any translator that does not fall under the channel/point or Top-50 preclusion policies for the purposes of performing availability studies. Many of these translators are in areas where there is a wide availability of channels for LPFM stations. The additional proposed point by Hope that translators seeking waiver must show that a LPFM station can co-exist at the same site as the application seeking waiver further assures that LPFM availability will not be undermined.

F. A “market” is defined as the Arbitron Metro boundaries.

15. In their *Petition for Reconsideration*, EMF questions what is considered a market for consideration of the “one-to-a-market” rule. While we were overwhelmed by the complexities of the *Third Report and Order* as well as our reading of the *Third Further Notice of Proposed Rulemaking*, we feel that the Commission has made it clear that a “market” for the purposes of the one-to-a-market rule as well as for the development of channel floors was based

on all Arbitron counties (and partial counties) as depicted on Arbitron’s 2011 nationwide map¹⁶. We do not feel that the Commission should depart from that finding.

F. Conclusion

16. REC Networks seeks to come out with “common sense” solutions where it comes to the issues we support. REC supports a citizen’s access to the airwaves, which is why we support LPFM implementation, especially in urbanized areas. We also support the ability for rural areas to receive radio services, both localized using LPFM and regionally from translators. While we continue to abhor those who have placed a substantial burden on the Commission through mass filing in the Auction 83 window, fleeced the taxpayers through fee waivers under the veil of non-commercial educational, substantially profited from sales of unbuilt construction permits and have taken advantage of the “fill-in” rule to rebroadcast streams not normally available on analog radio, we do support those who are willing to bring their radio services into rural areas, especially when that expansion also has provisions in place to protect the future of community-based LPFM stations in these same areas. We feel that “one-to-a-market” applied in some areas has been a hindrance to an expansion that can create diversity.

17. REC feels that the Commission intended to use Arbitron counties as the “market” boundaries for the “one-to-a-market” rule and no further reconsideration is necessary. For this reason, REC asks that the Commission deny EMF’s *Petition for Reconsideration*.

¹⁶ - http://www.arbitron.com/downloads/Arb_US_Metro_Map_11.pdf

18. With that, we ask that the Commission grant in part the *Petitions for Reconsideration* filed by the Hope Petitioners, Kyle Magrill, Conner Media and Western North Carolina Public Radio to allow a very limited granting of waivers for translator applicants following the three conditions developed by Hope and the three additional conditions developed by REC in order to expand radio choices in rural areas while maintaining opportunities for local voices.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michelle A. Eyre".

Michelle A. Eyre
Founder, REC Networks

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May 10, 2012.

APPENDIX A

**AUCTION 83 TRANSLATORS OWNED BY
EDUCATIONAL MEDIA FOUNDATION THAT
CURRENTLY SPECIFY PRIMARY STATIONS
THAT ARE NOT COMMONLY-OWNED**

NOTE: Arrangements that involve Clear Channel are shown in bold.

156366 CALERA	AL 5355 WBPT	COX RADIO, INC.
156276 GORGAS	AL 62278 WERC-FM	CAPSTAR TX LLC
141381 CARMEL VALLEY	CA 26925 KION	CC LICENSES, LLC
152230 DYERSVILLE	IA 35556 KZIA	KZIA, INC.
148641 IOWA CITY	IA 49786 KNWS-FM	NORTHWESTERN COLLEGE
144731 HILLSIDE	IL 53971 WNUA	AMFM BROADCASTING LICENSES, LLC
151819 MASCOUTAH	IL 9626 KLOU	CITICASTERS LICENSES, INC.
145323 PARK RIDGE	IL 53971 WNUA	AMFM BROADCASTING LICENSES, LLC
140963 FLOYD'S KNOBS	IN 53593 WLGX	CLEAR CHANNEL BROADCASTING LICENSES, INC.
157089 HUTCHINSON	KS 48540 KTLI	EL DORADO LICENSES, INC.
147882 LEXINGTON	KY 69991 WVRB	VERNON R. BALDWIN, INC.
141367 LOUISVILLE	KY 53593 WLGX	CLEAR CHANNEL BROADCASTING LICENSES, INC.
141228 BAKER	LA 47402 WYNK-FM	CAPSTAR TX LLC
148665 DETROIT	MI 25448 WDZH	CBS RADIO EAST INC.
148656 DETROIT	MI 25448 WDZH	CBS RADIO EAST INC.
148783 DIMONDALE	MI 74002 WWSJ	LARRY & HELEN HARP, WAYNE & ELMIRA HILL
140042 ROCHESTER HILLS	MI 59596 WMXD	AMFM RADIO LICENSES, L.L.C.
148756 WESTLAND	MI 59596 WMXD	AMFM RADIO LICENSES, L.L.C.
141741 ALBERTVILLE	MN 54458 KFXN-FM	AMFM BROADCASTING LICENSES, LLC
141753 COON RAPIDS	MN 54458 KFXN-FM	AMFM BROADCASTING LICENSES, LLC
140150 FRIDLEY	MN 41967 KDWB-FM	AMFM BROADCASTING LICENSES, LLC
142406 ST. PAUL	MN 54458 KFXN-FM	AMFM BROADCASTING LICENSES, LLC
142091 WAITE	MN 59617 KLCI	MILESTONE RADIO LLC
149137 ST. JOSEPH	MO 50511 KGNM	ORAMA, INC.
148853 LEXINGTON	NC 15838 WLXN	DAVIDSON COUNTY BROADCASTING COMPANY, INC.
148831 SANFORD	NC 73936 WRDU	CAPSTAR TX LLC
139447 AMSTERDAM	NY 14532 WUTQ-FM	ROSER COMMUNICATIONS NETWORK, INC.
140714 MORRISONVILLE	NY 91724 WKVJ	AMERICAN EDUCATIONAL BROADCASTING, INC.
140739 SHERBURNE	NY 14532 WUTQ-FM	ROSER COMMUNICATIONS NETWORK, INC.
141395 AKRON	OH 43863 WKDD	CITICASTERS LICENSES, INC.
138889 AUBURN	OH 29734 WEBN	CITICASTERS LICENSES, INC.
144693 CINCINNATI	OH 69986 WNLT	VERNON R. BALDWIN, INC.
153187 CLEVELAND	OH 43863 WKDD	CITICASTERS LICENSES, INC.
147918 FOREST PARK	OH 70866 WKFS	CITICASTERS LICENSES, INC.
138872 MIDDLETOWN	OH 70866 WKFS	CITICASTERS LICENSES, INC.
139210 NORWOOD	OH 70866 WKFS	CITICASTERS LICENSES, INC.
142417 PARMA	OH 43863 WKDD	CITICASTERS LICENSES, INC.
141400 SOLON	OH 43863 WKDD	CITICASTERS LICENSES, INC.
148552 CLAIRTON	PA 72297 WKHB	BROADCAST COMMUNICATIONS, INC.
140980 MONROEVILLE	PA 10026 WKFB	BROADCAST COMMUNICATIONS, INC.
148465 PITTSBURGH	PA 13711 WOGI	KEYMARKET LICENSES, LLC

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143603 CHATTANOOGA	TN 71148 WAYB-FM	FAMILY WORSHIP CENTER CHURCH, INC.
139990 ELLENDALE	TN 65207 WGSF	FLINN BROADCASTING CORPORATION
144172 KARNS	TN 65209 WRJZ	TENNESSEE MEDIA ASSOCIATES
140011 MEMPHIS	TN 35874 KJMS	CC LICENSES, LLC
140611 AUSTIN	TX 35850 KVET	CAPSTAR TX LLC
145294 BEAUMONT	TX 85286 KZFT	AMERICAN FAMILY ASSOCIATION
139486 FLAT	TX 86324 KVLW	AMERICAN EDUCATIONAL BROADCASTING, INC.
155032 NEWPORT NEWS	VA 69570 WVMA	CC LICENSES, LLC
143849 PORTSMOUTH	VA 70345 WKSA	CC LICENSES, LLC
150028 WEIRTON	WV 56641 WBGI-FM	KEYMARKET LICENSES LLC

APPENDIX B

**DISPOSITION OF PETITIONER'S TRANSLATOR
APPLICATIONS AS A RESULT OF REC'S PROPOSED
WAIVER POLICY**

In last column, the status is given:

Yes – Normally outside the Arbitron Metro Markets and is not subject to the one-to-a-market rules.

No – This channel at this location is not assignable due to a short spacing to LPFM protected channel/points.

First – This is a channel that meets all channel/points but may inside or overlaps an urban core. Applicant can take only one of these applications in a particular market. Taking more than one would violate one-to-a-market. We also use this on markets where urban core is not an issue but it is a recommended first channel for the market.

Waiver – This is channel that is properly spaced from the metro core, LPFM channel points and other applications. This facility would qualify for a waiver to the one-to-a-market rule.

Hope Christian Church of Marlton, Inc.

154145	Warwick, MD	Outside metro market.	Yes
Philadelphia Metro market:			
156319	Plymouth Meeting, PA	Inside Philadelphia urban core/ channel-points	No
140819	Collegeville, PA	Overlaps Philadelphia urban core	First
141513	Telford, PA	Channel/Points	No
141550	Glassboro, NJ	Overlaps Philadelphia urban core/ channel-points	No
141521	Woodbury, NJ	Inside Philadelphia urban core/channel-points	No
140818	Southampton, PA	Overlaps Philadelphia urban core/channel-points	No
156343	Browns Mills, NJ		Waiver
141512	Doylestown, PA		Waiver
141549	Medford, NJ	Overlaps Philadelphia urban core/channel-points	No
141519	Burlington, NJ	Overlaps Philadelphia urban core	First
141480	Springfield, PA	Inside Philadelphia urban core	First
141548	Marlton, NJ	Inside Philadelphia urban core	First
141475	Philadelphia	Inside Philadelphia urban core	First
141547	Waterford Works, NJ	Overlaps Philadelphia urban core/channel-points	No
140827	Langhorne, PA	Inside Philadelphia urban core	First
141517	Bensalem, NJ	Overlaps Philadelphia urban core/channel-points	No
144101	New London, PA		Waiver
141525	Vineland, NJ	Channel/Points	No
158110	Bensalem, PA	Overlaps Philadelphia urban core/channel-points	No
140825	Chester, PA	Overlaps Philadelphia & Wilmington urban cores/channel-points	No
141516	Chester Springs, PA	Very minor overlap with Philadelphia urban core. Lower power to clear.	Waiver
140822	Roxborough, PA	Channel/points	No

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141514	Quakertown, PA		Waiver
141523	Bordentown, NJ		Waiver
Baltimore Metro Market			
154324	Glen Burnie, MD	Overlaps Baltimore urban core/channel-points	No
Monmouth-Ocean, NJ Metro Market			
141582	Toms River, NJ	Channel/points	No
141573	Manahawkin, NJ	Channel/points	No
Wilmington Metro Market			
141482	Wilmington, DE	Channel/points	No
146352	Glasgow, DE	Channel/points	No
146370	Elkton, MD	Channel/points	No
141529	Salem, NJ		First
146387	North East, MD	Channel/points	No
Harrisburg Metro Market			
144130	Hershey, PA	Channel/points	No
144163	Harrisburg, PA	Overlaps Harrisburg urban core, Channel/points	No
144162	Halifax, PA	Channel/points	No
York Metro Market			
144165	Gettysburg, PA	Channel/points	No
144109	East Prospect, PA	Channel/points	No
144166	Centerville, PA	Channel/points	No
Reading Metro Market			
144032	Reading, PA	Channel/points	No
Atlantic City Market			
141579	Cape May, NJ	First available	Yes
141578	Seaville, NJ	These two overlap service contours. Can take one of the two on a waiver.	Waiver
141577	Marmora, NJ		
141576	Abescon, NJ		Waiver
141524	Egg Harbor, NJ		Waiver
Trenton Metro Market			
141518	Trenton, NJ	Channel/points	No

Bridgelight, LLC

New York Metro Market			
139379	Plainview, NY	Inside Nassau-Suffolk urban core	First
139350	Tiana, NY		Waiver
139361	Old Bridge, NJ	Overlaps Somerset urban core	First
139377	Keansburg, NJ	Overlaps New York urban core	First
139345	Gordon Heights, NY	Overlaps Nassau-Suffolk urban core	First
139396	Two Bridges, NJ	Channel/points	No
139360	South Amboy, NJ	Overlaps New York and Somerset urban cores & channel/points	No
139344	Redwood, NY		Waiver
139395	Fort Greene, NY	Inside New York urban core	First
139343	East Orange, NJ	Inside New York urban core	First

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139386	Waterville, NY		Waiver
139357	Plainfield, NJ	Overlaps New York and Somerset urban cores	First
139364	Atlantic Highlands, NJ	Micro-overlap with New York urban core	Waiver
139339	Tremley, NY	Inside New York urban core	First
139382	Oceanside, NY	Overlaps New York urban core	First
139351	Ridgefield Park, NJ	Inside New York urban core	First
New Haven Metro Market			
139373	New Haven, Ct	Channel/points	No

Calvary Chapel of The Finger Lakes

151614	Groton, NY	Outside metro market	Yes
151622	Danby, NY	Outside metro market	Yes
151672	Cortland, NY	Outside metro market	Yes
151639	Bath, NY	Outside metro market	Yes
156452	Mt. Pleasant, NY	Outside metro market	Yes
151600	Richford, NY	Outside metro market	Yes
151657	Attica, NY	Outside metro market / overlaps 150987 in Metro	Yes
151608	East Ithaca, NY	Outside metro market	Yes
151643	Thurmansburg, NY	Outside metro market	Yes
Buffalo Metro Market			
151534	Tonawanda, NY	Overlaps Buffalo urban core	First
151592	Niagara Falls, NY		Waiver
151509	Amherst, NY	Overlaps Buffalo urban core	First
151187	East Lancaster, NY	Channel/points	No
151738	Lackawana, NY	Inside Buffalo urban core	First
Rochester Metro Market			
150987	Darien Center, NY	Overlaps 151657 outside Metro – take as first.	First
150817	Oakfield, NY	These two facilities overlap. Once must be dismissed and the other can be on a waiver.	Waiver
151682	Warsaw, NY		

Conner Media Corporation

157897	Hickory, NC		Yes
157988	Hickory, NC		Yes
157691	Rose Hill, NC		Yes
Raleigh/Durham Metro Market			
157671 157569	Cary, NC	Must take one or the other as they overlap and remaining facility not eligible for waiver.	First
Greenville, New Bern, Jacksonville Market			
157421 157464 157280	Arapahoe, NC	Can only take one of these facilities on a waiver.	Waiver
157080	Greenville, NC	Channel/points	No
157286	Jacksonville, NC	Can only take one of these facilities on a waiver.	Waiver

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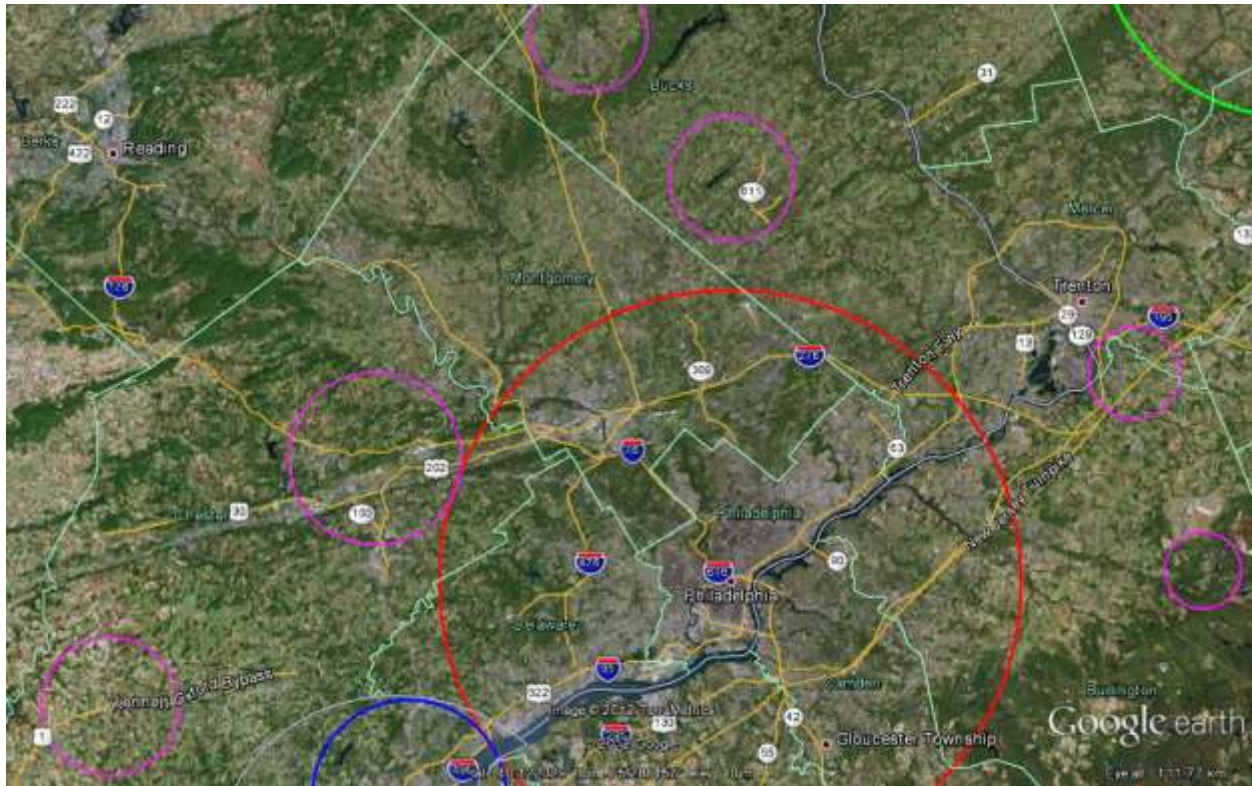
157226 157254			
157418 157581 157459	Morehead City, NC	Can only take one of these facilities on a waiver.	Waiver
157057	Kinston, NC		First
157075 157084	Greenville, NC	Can only take one of these facilities on a waiver.	Waiver

Western North Carolina Public Radio

156266 156063 156265 156080 156272 156068 156079 156074 156057	Hendersonville, NC Black Mountain, NC	Outside Metro Market	Yes
144137 144142 144138	Bryson City, NC	Outside Metro Market	Yes
148751 144845 148845	Tryon, NC	Outside Metro Market	Yes
Asheville Metro Market			
156275 156283	Asheville, NC		Waiver
156024 156040 156030 156237 156254 156225	Black Mountain, NC	Channel/points	No
156037	Black Mountain, NC		First
156294 156290	Asheville, NC	Channel/points	No
149093	Balsam, NC		Waiver

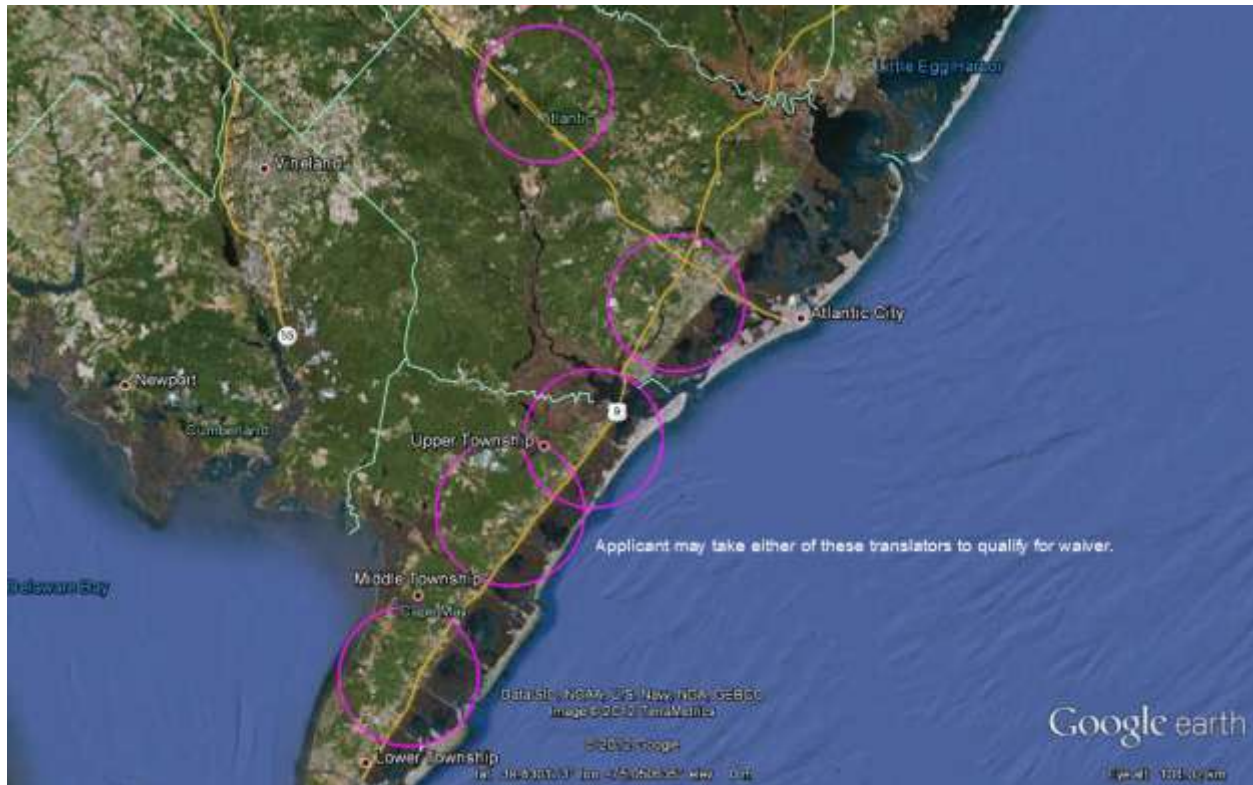
APPENDIX C
EXAMPLES OF NON-OVERLAPPING TRANSLATORS
FROM THE HOPE PETITION

Hope Christian Church of Marlton, Inc.
Philadelphia Metro market



Pink circles indicate the 60dBu service contours of waiver eligible translators.
Red, blue and green circles indicate urban core areas as proposed by REC.

**Hope Christian Church of Marlton, Inc.
Atlantic City market**

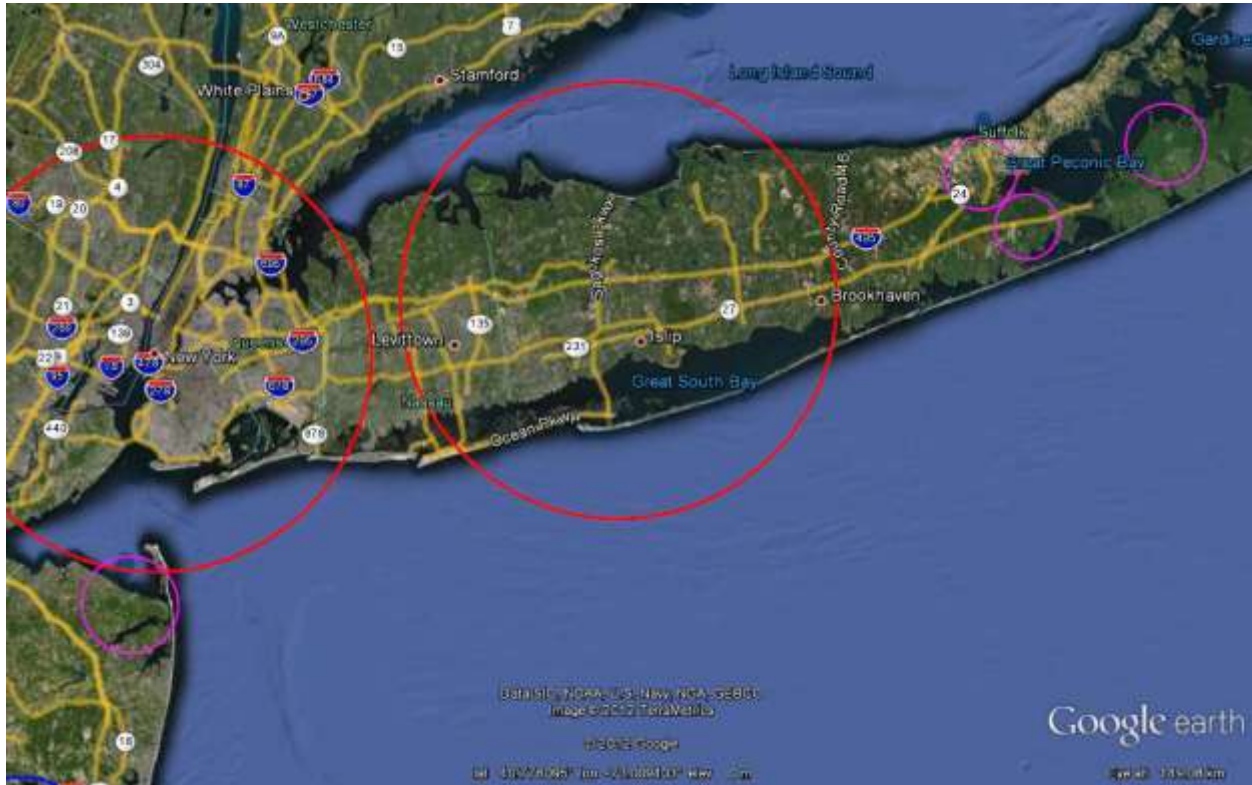


Pink circles indicate the 60dBu service contours of waiver eligible translators.
Red, blue and green circles indicate urban core areas as proposed by REC.

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Bridgelight, LLC

New York City (Nassau/Suffolk, Somerset) market



Pink circles indicate the 60dBu service contours of waiver eligible translators.
Red, blue and green circles indicate urban core areas as proposed by REC.

Pink circles indicate the 60dBu service contours of waiver eligible translators. Red, blue and green circles indicate urban core areas as proposed by REC.